



**TOWN OF FRAMINGHAM**  
**FINANCE COMMITTEE**  
Memorial Building  
150 Concord Street  
Framingham, MA 01702

Barry Bograd, Chairman  
Nancy Wilson, Vice Chair  
Elyzabeth Sheehan, Clerk  
John Zucchi  
Donald Bloch  
Laurence W. Marsh  
Mary Z. Connaughton  
Denis Black  
C. Duncan Fuller

**October 6, 2005**  
**Finance Committee Meeting**  
Ward Room

**Members present:** John Zucchi, Denis Black, Elyzabeth Sheehan, Barry Bograd, Nancy Wilson, C. Duncan Fuller\*, Mary Z. Connaughton (arrived at 8:50 PM), and Donald Bloch (arrived at 7:15 PM)

**Also present:** Richard Howarth, Acting Chief Financial Officer; Ed Noonan, Town Moderator

Christopher J. Petrini, Town Counsel; Dennis O'Neil, Town Treasurer/Collector

Karen Foran-Dempsey, Framingham Disability Commission

**Members absent:** Laurence W. Marsh

Chairman Zucchi called the meeting to order at 7:00 PM and introduced the members of the Finance Committee. He yielded the floor to Mr. Noonan who introduced Mr. Fuller, the newest member of the Finance Committee.

Reorganization

Mr. Zucchi informed the Committee that he had decided not to take a position. Mr. Noonan suggested postponing reorganization until the remaining members were present, and the Chair agreed.

Article 9 – Appropriation for MMA Settlement

Mr. Petrini gave the Committee a background of the case and drew the members' attention to the memorandum he had submitted to them. Mr. Petrini noted that due to the legal ambiguity of the Town's agreement with MMA and due to former custom and practice he had doubts about the Town's ability to win the case. As such, a settlement had been recommended by Town Counsel and approved by the Board of Selectmen. He also explained that since then language had been included in the contract with the new company responsible for deputy collector services. Mr. Bograd congratulated Mr. Petrini on the settlement, but felt that someone should be accountable for the actions that had placed the Town into the current situation, and wanted the individuals responsible to be identified. Ms. Wilson asked who was involved in making the contract, and Mr. Bloch clarified that Mr. Aaron Bikofsky was Town Counsel and Mr. Paul Mormino was the Town Treasurer/Collector at the time the contract was created. Mr. Bograd was concerned about dismissing the responsibility for the contract and asked that such responsibility be reflected in the record. Mr. Petrini clarified for Mr. Bloch that the first agreement had not been approved by Town Counsel, but

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\* Transcriber's Note: Mr. Fuller joined the Committee after the Moderator presented him to the Committee.  
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1 that the second agreement from 1998-2001 had been approved as to form. Mr. Bloch asked if the  
2 issue rose to the issue of malpractice. Mr. Petrini did not feel comfortable casting aspersions on  
3 previous Town employees, but agreed that he would not have approved the contract as it was written.  
4 Mr. Bograd reminded the Committee that the former Town Counsel was still acting as counsel for the  
5 School Department. Mr. Zucchi suggested that a motion could be made asking Town Counsel to  
6 look into the issue of malpractice, and Ms. Wilson suggested that a motion could be made relative to  
7 the language used in the Committee's report. Mr. Bograd did not favor raising the malpractice issue,  
8 but felt it was important to clarify for the record that errors had been made, but that the issue had  
9 been addressed by current Town Counsel for future contracts.

10  
11 **MOVED: To support favorable action on Article 9.**

12 **Motion: Mr. Bograd**

**Second: Mr. Zucchi**

13 **VOTE: 7 – 0 – 0**

14  
15 **MOVED: That the Finance Committee make a recommendation on Town Meeting floor that**  
16 **Town Meeting direct Town Counsel to investigate the possibility of recourse against the**  
17 **individuals responsible for the approved contract.**

18 **Motion: Mr. Bloch**

**Second: Mr. Zucchi**

19  
20 **DISCUSSION:** Mr. Zucchi suggested asking Town Counsel for the recommendation prior to Town  
21 Meeting, but Mr. Bloch felt that it was important to fully disclose the situation. Mr. Petrini  
22 acknowledged that there were differing views on what "approved as to form." Mr. Zucchi felt more  
23 comfortable having Town Counsel conduct a preliminary investigation prior to discussing the issue  
24 with Town meeting. Specifically, he would prefer an investigation into the matter relative to the  
25 statute of limitations for and feasibility of filing a malpractice claim.

26  
27 Mr. Zucchi moved the question for the motion on the table.

28  
29 **(To move the question)**

30 **VOTE: 7 – 0 – 0**

31  
32 **(Motion on the table)**

33 **VOTE: 6 – 1 – 0**

34  
35 **MOVED: To instruct Town Counsel to investigate the issue and return to the Committee prior**  
36 **to Town Meeting regarding the feasibility of filing a malpractice claim from the point of view of**  
37 **the statute of limitations and the relative liability of the Town.**

38 **Motion: Mr. Zucchi**

**Second: Mr. Bograd**

39 **VOTE: 6 – 0 – 1**

40  
41 Article 6 – Request to authorize expenditure of \$14,236 from the handicapped parking fine account

42 Ms. Foran-Dempsey represented the Framingham Disability Commission (FDC) at the meeting and  
43 drew the Committee's attention to the backup material for the article. Ms. Foran-Dempsey explained  
44 the background of the fund, noting that half of the funds collected for handicap parking fines were  
45 given to the Town and half to the FDC. She also presented the Board with a list of the FDC's  
46 planned expenditures. Mr. Zucchi suggested that the FDC prioritize the listed items for future  
47 reference.

48  
49 **MOVED: To recommend favorable action with the provision that the FDC create a**  
50 **prioritization policy by Annual Town Meeting.**

1 **Motion: Mr. Bograd**

**Second: Mr. Zucchi**

2 **VOTE: 7 – 0 – 0**

3  
4 Article 1 – Gifts of Land

5 Mr. O’Neil drew the Committee’s attention to the backup material for the article and outlined the  
6 article’s provisions. The Committee asked if the titles had been searched, and Mr. O’Neil explained  
7 that the Town would do so if Town Meeting decided to go that route. Ms. Wilson asked if an EPA  
8 study would be conducted after Town Meeting’s vote, and Mr. O’Neil explained that his  
9 understanding was that none of the parcels encompassed in the article were on the hazardous waste  
10 list maintained by the Board of Health (BOH). Mr. O’Neil responded to the Committee’s questions  
11 about the value of the parcels and the frontage of the properties as well. Mr. O’Neil explained that  
12 Town Meeting could accept the parcels as gifts of land, or that the Town could go through land court  
13 to take the land, thereby incurring greater expenses; moreover, while the properties remained in  
14 arrears the taxes owed but not collected could not be removed from the Town’s statements. Once the  
15 Town owned the land, a determination for use could be made, perhaps for conservation or open  
16 space, or perhaps have an auction to put the property back on the tax rolls. Ms. Wilson was  
17 concerned that the properties could be contaminated, and by accepting them as gifts of land, the  
18 Town would incur the liability for the sites. A Phase I study by a licensed site professional was  
19 suggested to confirm that the site was not contaminated, which was estimated at \$2,500. The  
20 Committee reviewed the maps for the parcels with Mr. O’Neil, and suggested he familiarize himself  
21 more with the specific locations of the parcels. Mr. Zucchi favored looking into the alternatives to  
22 taking the land.

23  
24 **MOVED: To table discussion of Article 1 to hear more information from the Town**  
25 **Treasurer/Collector and/or Town Counsel.**

26 **Motion: Mr. Zucchi**

**Second: Mr. Bloch**

27 **VOTE: 7 – 0 – 0**

28  
29 Reorganization

30 *Election of Chair*

31 Mr. Zucchi and Mr. Bloch described the basic duties of the Chair and Vice Chair for the new  
32 members of the Committee, and Ms. Wilson described the duties of the Clerk. Mr. Noonan reminded  
33 the Committee that it was to act as the financial advisor to Town Meeting. Given this important  
34 charge, Mr. Noonan opined that the members of the Committee should make every reasonable effort  
35 to attend the meetings as scheduled by the Chair. He thanked the Committee for all of its hard work.  
36 Mr. Noonan offered any help he could give to help the Committee run more smoothly.

37  
38 **MOVED: To appoint Mr. Bograd as the Chair for the Committee.**

39 **Motion: Ms. Wilson**

**Second: Mr. Bloch**

40 **VOTE: 6 – 0 – 1**

41  
42 Mr. Bograd thanked the Committee for its hard work and thanked Mr. Zucchi for his job as Chair.

43  
44 Mr. Noonan opined that Finance Committee ought to appropriate funds from free cash to have a  
45 minute-taker present.

46  
47 *Election of Vice Chair*

48 Ms. Wilson felt that the Vice Chair needed to be someone who could have excellent attendance, was  
49 willing to take up the duties the Chair delegated, and had an understanding of Town Meeting.

1 **MOVED: To appoint Ms. Wilson as the Vice Chair of the Committee.**

2 **Motion: Mr. Bloch** **Second: Mr. Zucchi**

3 **VOTE: 6 – 0 – 1**

4  
5 Ms. Wilson thanked the Committee.

6  
7 *Election of Clerk*

8  
9 **MOVED: To appoint Elyzabeth Sheehan as the Clerk of the Committee.**

10 **Motion: Mr. Black** **Second: Mr. Zucchi**

11 **VOTE: 6 – 0 – 1**

12  
13 Article 4 – Noncontributory Pop Up Act

14 Mr. Howarth explained the article as described in the backup material, and gave an historical  
15 background of Chapter 411 of the Acts of 2000 being presented to Town Meeting for acceptance.

16 Mr. Howarth confirmed that there was one retiree eligible for the monthly increase described in the  
17 Act, and two members that could be eligible should their beneficiary pre-decease them, making only  
18 be three retirees who could qualify for the increase.

19  
20 Ms. Connaughton joined the meeting at this time.

21  
22 Ms. Wilson asked what would happen if Town Meeting did not accept the local option, and Mr.  
23 Howarth explained that the one eligible retiree would retain his lower set of benefits, but not the  
24 proposed increased benefits.

25  
26 Mr. Bograd called the question.

27 **VOTE: 6 – 0 – 2**

28  
29 **MOVED: To recommend favorable action on Article 4.**

30 **Motion: Mr. Bloch** **Second: Mr. Black**

31 **VOTE: 5 – 0 – 3**

32  
33 Article 12 – Indemnification of retired firefighters and/or police officers

34 Mr. Howarth explained the article as described in the backup material, noting that the article had been  
35 regularly brought before Town Meeting to cover medical costs for disability pensions. The total  
36 costs of which the Town was aware were \$2,075.32.

37  
38 **MOVED: To recommend favorable action on Article 12.**

39 **Motion: Mr. Bloch** **Second: Ms. Wilson**

40 **VOTE: 7 – 0 – 1**

41  
42 Approval of Minutes

43  
44 *June 2, 2005*

45 The Committee discussed its proposed edits to the minutes as corrected.

46  
47 **MOVED: To accept the minutes of June 2, 2005 as corrected.**

48 **Motion: Mr. Bloch** **Second: Ms. Wilson**

49 **VOTE: 7 – 0 – 1**

1 *June 6, 2005*

2 The Committee discussed its proposed edits to the minutes as corrected.

3  
4 **MOVED: To accept the minutes of June 6, 2005 as corrected.**

5 **Motion: Mr. Zucchi**

**Second: Mr. Bloch**

6 **VOTE: 7 – 0 – 1**

7  
8 *June 7, 2005*

9 The Committee discussed its proposed edits to the minutes as corrected.

10  
11 **MOVED: To accept the minutes of June 7, 2005 as corrected.**

12 **Motion: Mr. Zucchi**

**Second: Ms. Sheehan**

13 **VOTE: 6 – 0 – 2**

14  
15  
16 *June 8, 2005*

17 The Committee discussed its proposed edits to the minutes as corrected.

18  
19 **MOVED: To accept the minutes of June 8, 2005 as corrected.**

20 **Motion: Mr. Bloch**

**Second: Ms. Wilson**

21 **VOTE: 7 – 0 – 1**

22  
23 *June 9, 2005*

24 Mr. Zucchi stated that he would

25  
26 *June 15, 2005*

27 The Committee discussed its proposed edits to the minutes as corrected.

28  
29 **MOVED: To accept the minutes of June 15, 2005 as corrected.**

30 **Motion: Mr. Zucchi**

**Second: Ms. Sheehan**

31 **VOTE: 7 – 0 – 1**

32  
33 *June 16, 2005*

34 The Committee discussed its proposed edits to the minutes as corrected.

35  
36 **MOVED: To accept the minutes of June 16, 2005 as corrected.**

37 **Motion: Mr. Zucchi**

**Second: Ms. Wilson**

38 **VOTE: 7 – 0 – 2**

39  
40 The discussion returned to the minutes of June 2, 2005. Mr. Zucchi stated that he would provide his  
41 notes for an additional correction.

42  
43 New Business

44 The Committee asked if an updated contact sheet could be made for the members.

45  
46 The Committee discussed scheduling future meetings, and decided to meet every third Wednesday of  
47 the month through June 2006. Mr. Bograd asked the members to inform him if they knew they  
48 would not be able to attend meetings to ensure a quorum would be present.  
49

1 Mr. Noonan congratulated the new officers and thanked the old officers. He asked the Committee to  
2 issue a proclamation for Mr. Eugene Brundage for his time as a Town Meeting member and on the  
3 Committee.  
4  
5 Mr. Bograd congratulated Ms. Connaughton on her recent appointment to the Massachusetts  
6 Turnpike Authority (MTA) who gave the Committee an update on the MTA's recent activities.  
7  
8 **MOVED: To adjourn at 9:32 PM.**  
9 **Motion: Mr. Zucchi** **Second: Ms. Wilson**  
10 **VOTE: 8 – 0 – 0**